UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
REYES, REGINALD R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,15 and 16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 15-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Status of Claims

1.   This office action is made Final. Claims 1-9 and 15-16, have been examined and
are addressed below.

Response to Amendments/Arguments

2.   The rejection of claim 1-9 and 15-16 under 35 USC § 112 second paragraph is
withdrawn in light of Applicant's amendment of the claim.

3.   Applicant's arguments with respect to claim 1-10 and 15-16 have been
considered but are not persuasive. With respect to claim 1 applicant argues that the
prior art does not teach first and second access security. Examiner respectfully
disagrees. As Schoenberg shows in fig. 2 and column 4 lines 52-67, it shows a flow
diagram of the method of distributing medical information. There is a first level access
security is taught on element 216 of Fig. 2 where the received info is determined if it's a
unique patient match. Element 220 is the second level access security where it
determines if the codes satisfy the identification constraints. Since Mehring teaches a
method step of sorting data into restricted and unrestricted data where the data is
sorted into multiple levels (access security third and forth) of restricted data, with each
requiring another security level to access (see for example Mehring column 14 lines 64-
67 and column 15 lines 1-16). It would be an obvious combination/modification of the
prior arts to distribute medical information in which the medical care provider or

pharmacy has quick access to a patient's medical record, but only to the information

within the medical record that is needed by the user (medical professional, doctor,

nurse) for the proper treatment of the patient at the time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 1-9, 15-16 rejected under 35 U.S.C. 103(a) as being unpatentable over

Donoho et al (U.S. 7,346,655) in view of Schoenberg (U.S. 6,463,417) and Mehring et

al (U.S. 6,609,115).

5.   With respect to claim 1, Donoho teaches a method for storing and reporting

pharmacy data, comprising the steps of: generating by a plurality of pharmacies (see

for example Donoho column 53 lines 4-6 and column 92 lines 25-39), each of the

pharmacies operating within a managed care organization, electronic pharmacy data

comprising medical, financial and transactional information related to pharmaceutical

transactions (see for example Donoho column 53 lines 4-6 and column 92 lines 25-39).

Donoho teaches providing the report to the requestor (see for example Donoho column

53 lines 5-6 and column 53 lines 17-20). Donoho teaches receiving over a network, by

a processing center of the managed care organization, a data transfer request to

transfer respective electronic pharmacy data from at least one of the plurality of

pharmacies (see for example Donoho column 53 lines 4-6 and column 92 lines 25-39).

Donoho does not teach providing first access security by the processing center in

response to the data transfer request, wherein the first access security includes

checking credentials defined by the processing center and submitted for authorization

by the at least one pharmacy; providing second access security by the processing

center in case the at least one pharmacy passes the first access security, wherein the

second access security includes, prior to accepting the respective electronic pharmacy

data by the processing center, checking whether the respective electronic pharmacy

data meet at least one predefined validity requirement defined by the processing center;

receiving, by the processing center, a transfer of the respective electronic pharmacy

data pursuant to compliance with the second access security ; processing, organizing

and structuring the electronic pharmacy data by the processing center to format the

electronic pharmacy data in accordance with at least one of a predetermined protocol

and format; storing the processed electronic pharmacy data in a data warehouse;

storing subsets of the processed electronic pharmacy data in a data mart, the subsets

being adapted to meet specific demands of particular requestors in terms of analysis,

content, presentation and format, by storing a portion of a larger set of data residing in

the data warehouse thereby to allow preparation of predetermined sets of reports

pertinent to the particular requestors; receiving by the processing center a data request

from a data requestor to obtain at least a portion of the processed electronic pharmacy

data, the data requestor having a privilege level identifying the type of data available to

the requestor; providing third access security by the processing center in response to

the data request, wherein the third access security includes checking credentials

defined by the processing center and submitted for authorization by the data requestor;

providing fourth access security by the processing center in case the data requestor

passes the third access security, wherein the fourth access security includes checking

whether requested electronic pharmacy data is consistent with the scope of the privilege

level of the data requestor; formatting the portion of the electronic pharmacy data

requested by the data requestor into a report pursuant to compliance with the fourth

access security, the portion of the electronic pharmacy data for the report being

developed from the data in the data warehouse or the subsets of the data in the data

mart.

Schoenberg teaches storing at a datastore/data warehouse the health data and

associated access priority data and receiving from a requester (see for example

Schoenberg column 2 lines 40-62). Schoenberg teaches further a schematic diagram

of a patient's medical record in accordance to the security access codes generated by

the patient (formatting data). The security access codes that are easily ascertained are

assigned to low security categories and security access codes that are more difficult to

ascertain are assigned that high security categories (see for example Schoenberg

column 2 lines 40-62 and column 6 lines 26-64 and Fig. 3). With respect to the "subsets

being adapted to….. " it is obvious to substitute one type of data with another as long as

the method is performed.

Mehring teaches a method step of sorting data into restricted and unrestricted

data where the data is sorted into multiple levels of restricted data, with each requiring

another security level to access (see for example Mehring column 14 lines 64-67 and

column 15 lines 1-16). One of ordinary skill in the art at the time of invention would

have found it obvious to combine the method of storing and reporting pharmacy data as

taught by Donoho with the secured data access taught by Schoenberg with the multiple

levels of restricted data as taught by Mehring with the motivation to distribute medical

information in which the medical care provider or pharmacy has quick access to a

patient's medical record, but only to the information within the medical record that is

needed by the user (medical professional, doctor, nurse) for the proper treatment of the

patient at the time.

6.   Referring to Claim 2, Donoho in view of Schoenberg and Mehring teaches the

method of claim 1, further comprising the steps of: encrypting by the respective plurality

of pharmacies the pharmacy data before transferring the electronic pharmacy data to

the processing center (see for example Donoho column 53 lines 55-58); decrypting the

electronic pharmacy data by the processing center after obtaining it the electronic

pharmacy data is received (see for example Donoho column 53 lines 61-62).

7.   Referring to Claim 3, Donoho in view of Schoenberg and Mehring teaches the

method of claim 1 wherein the electronic pharmacy data are obtained by means of

received via an electronic communications network (see for example Donoho column 57

lines 46-47).

8.   Referring to Claim 4, Donoho in view of Schoenberg and Mehring teaches the

method of claim 3 wherein the requestor requests and receives the report by means of

an electronic communications network (see for example Donoho column 14 lines 15-21

and Fig. 21).

9.   Referring to Claim 5, Donoho in view of Schoenberg and Mehring teaches the

method of claim 4 wherein the electronic communications network is an intranet (see for

example Donoho column 8 lines 2-9).

10.   Referring to Claim 6, Donoho in view of Schoenberg and Mehring teaches the

method of claim 4 wherein the electronic communications network is the internet (see

for example Donoho column 8 lines 2-9).

11.   Referring to Claim 7, Donoho in view of Schoenberg and Mehring teaches the

method of claim 1, wherein the requestor is selectively allowed access to a greater or

lesser portion of the electronic pharmacy data based upon predetermined criteria (see

for example Donoho column 18 lines 23-39).

12.   Referring to Claim 8, Donoho in view of Schoenberg and Mehring teaches the method of claim 1, further comprising the step of checking by the processing center the electronic pharmacy data for defects before storing it (see for example Donoho column 42 lines 27-35).

13.   Referring to Claim 9, Donoho in view of Schoenberg and Mehring teaches the method of claim 1, further comprising the step of encrypting the report by the processing center before sending it to the requestor (see for example Donoho column 19 lines 66-67 and column 20 lines 1-6).

14.   Referring to Claim 15, Donoho in view of Schoenberg and Mehring teaches the method of claim 1, wherein the report represents financial performance by an individual pharmacy, financial performance by a plurality of pharmacies, or a medication review (see for example Donoho column 53 lines 5-6 and column 53 lines 17-20).

15.   Referring to Claim 16 Donoho in view of Schoenberg and Mehring teaches the method of claim 1, wherein the processing center formats the electronic pharmacy data or the report to comply with HIPAA (see for example Donoho column 53 lines 5-6 and column 53 lines 17-20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 7,401,027 teaches methods for collecting fees for healthcare management group.

U.S. Patent No. 7,398,217 teaches methods and systems for healthcare practice management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD REYES whose telephone number is (571)270-5212. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on 571-272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. R./
Examiner, Art Unit 3626

/C. Luke Gilligan/
Primary Examiner, Art Unit 3626